REMARKS/ARGUMENTS

This paper is in response to the Office Action mailed January 25, 2005. Reconsideration and further examination are respectfully requested.

Applicant has amended claim 24 to view of the rejection under 35 USC § 112, second paragraph. Claim 23 has also been amended to address a similar issue, although no rejection was made by the Examiner.

Claim 26 has been added to combine the limitations in the description of the cycloaliphatic polyester and the low volatility hydroxyphenyl-triazine or –pyrimidine UV absorber to conform to those in the declaration.

The Examiner has maintained the rejection of the claims under 35 USC § 103 based on the combination of MacGregor and Susi and says that the evidence submitted is not commensurate in scope with the claims. The Examiner further asserts that the results support the Examiner's position.[1] However, the examiner may not look solely at one parameter that is reported (color change) and ignore the other parameter (gloss) in assessing the significance of the declaration.

As previously noted, the claimed composition includes three defined layers in a defined spatial relationship, namely an upper layer, an intermediate layer and a substrate layer. The top two of these layers have a well-defined composition. Specifically, the upper layer **consists essentially** of a cycloaliphatic polyester and certain specified types of UV stabilizers; the intermediate layer **consists essentially** of a cycloaliphatic polyester, and may also include TiO_2 or a dye, pigment or special effects additive.

Gloss is a characteristic of the outer surface of a material. Those skilled in the art believe that loss of gloss upon weathering is the result of non-homogeneous erosion that takes place on the surface and creates roughness. In the compositions of the present invention, the material used to make the intermediate layer has a significant affect on the retention of gloss when the material is weathered. Thus, in the Table below, it can be seen (top box) that the gloss retention is dependent on the nature of the second layer, with only one of the second layer combinations giving good gloss retention. Applicants submit that the Examiner may not disregard the results for gloss.

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[1] It is noted that the Examiner previously argued that you would expect an improvement in color performance using a second or intermediate layer with improved weathering properties. (Office Action of April 19, 2004, Page 7). Now the Examiner says the data supports her position and argues that all the numbers with PC in place of PCCD are worse in performance. This is not what the data shows, however, since using just PC in the intermediate layer produces substantially the same color change as just PCCD.

Furthermore, Applicants submit that it is not sufficient to simply say that the declaration does not contain enough test data. Rather, the Examiner should offer some reasons as to why the examples are not deemed representative, since otherwise Applicants are not in a position to make a meaningful reply.

In the present case, claim 23 recites a specific structure for the cycloaliphatic polymer in the upper and intermediate layers. PCCD, which is the material tested in the declaration, conforms to this description. The Examiner has not offered any reasoning as to why PCCD is not representative of the class of materials as a whole.

The Examples in the declarations also include a UV-stabilizer which is a mixture of materials of the type set out in claim 23, and as specifically claimed in claim 25. The Examiner has offered no reasons as to why this mixture would not be deemed representative of the UV stabilizers within the scope of claim 23. These UV stabilizers all have similar structures in that they have three aryl groups around a central nitrogen-containing aromatic heterocyclic, and a free hydroxy group, and triazine and pyrimidine UV absorbers are frequently treated as equivalent in the art. (See, US Patents Nos. 6,867,250 and 6,297,377).

What Applicants have discovered is that for some unknown reason, the ability of the multi-layered structure to maintain its surface gloss is dependent on the nature of the middle layer, not the top layer of the structure. Unlike color change which can be observed through a transparent top layer, even if it occurs in the middle, gloss is a surface (top layer) phenomenon.

For the foregoing reasons, Applicants submit that all of the claims of this application are in form for allowance. Favorable reconsideration is respectfully urged.

Respectfully submitted,

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